



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable B. T. Walters
County Auditor
Smith County
Tyler, Texas

Dear Sir:

Opinion No. 0-5382

Re: Does the commissioners' court of Smith County have the authority to expend county funds to cover costs of qualifying county employees as notaries public?

Your request for opinion upon the above stated question has been received and carefully considered by this department.

We quote from 11 Texas Jurisprudence, Counties, pages 563-4-5, as follows:

" . . . Counties, being component parts of the state, have no powers or duties except those which are clearly set forth and defined in the constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the commissioners' courts, the medium through which the different counties act, and from those statutes must come all the authority vested in the counties. . . .

" . . . Commissioners' courts are courts of limited jurisdiction in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law,--that is, by the constitution and statutes of the state. . . ."

There is no law authorizing counties to expend county funds for the purposes inquired about. Our State Constitution also inhibits donations and gratuities by counties from

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public funds. Article III, Section 52, Texas Constitution, reads in part as follows:

"The Legislature shall have no power to authorize any county . . . to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever. . . ."

We answer your question in the negative.

APPROVED JUN 15, 1943

[Handwritten signature]

FIRST ASSISTANT
ATTORNEY GENERAL

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

[Handwritten signature: Wm. J. Fanning]

Wm. J. Fanning
Assistant

WJF:db

